

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NORTH DAKOTA

In Re:)
)
)
Drain Services, Inc.)
)
) Case No. 23-30352
)
) Chapter 11
) Subchapter V
)
)
Debtor)

THIRD INTERIM APPLICATION OF THOMAS J. KAPUSTA FOR SUBCHAPTER V TRUSTEE FEES AND EXPENSES

Thomas J. Kapusta, in his capacity as the Sub Chapter V Trustee d/b/a TK Enterprises, LLC. {"Applicant"}, pursuant to 11 U.S.C. §§ 330 and 331, hereby requests that the Court approve its Application and enter an Order thereby awarding certain Sub Chapter V Trustee 's fees and expenses incurred in connection with this case. In support thereof, Applicant respectfully represents:

1. Applicant is the Sub Chapter V Trustee of record for the Chapter 11 proceeding and has acted as such since being appointed same on October 4, 2023.
2. Thomas J. Kapusta is manager and sole member of TK Enterprises, LLC. Thomas J. Kapusta has over 40 years of experience as a practicing attorney in multiple jurisdictions.
3. Applicant has expended time in the form of professional services in support of this Chapter I1 Sub Chapter V proceeding. This time has been itemized on records reflecting

the work performed by the Applicant during the period covered by this First Interim Application. Attached hereto as Exhibit "A" are the time records/invoicing (Invoice #120) related to the services, setting forth the date of each service, a description of the service rendered, and the time spent rendering such service at a rate of \$275.00 per hour plus expenses noted, and the resulting fee charge on account of the service listed.

4. Applicant has listed on Exhibit "A" any expenses incurred directly in connection with Applicant's duties as Sub Chapter V Trustee of this proceeding and were necessary to Applicant's services.
5. This third interim application includes fees, expenses and sales taxes in the aggregate amount of \$1619.90 including expenses in the amount of \$79.90 for the period of January 23, 2024, through February 9, 2024, that have not been previously applied for or approved for payment.
6. Work on this case during the time concerned has involved services from the Applicant related to the: (i) review, evaluation and verification of the Debtor's Schedules and Statements as required under 11 U.S.C. §521; (ii) meeting with the United States Trustee's office and court including the Initial Debtor Interview; the first meeting of creditors; working with Debtor Counsel and with Debtor and debtors creditors, (iii) reviewing any Debtor monthly operating reports; (iv) and general work including financial analysis, review of motions and responding to inquiries, meeting with applicable creditors and debtor counsel regarding the Chapter 11 Sub Chapter V proceeding.
7. The undersigned trustee represents to the Court that the services and expenses

provided during the period covered by this Third Interim Fee Application were ordinary and necessary given the nature of this Chapter 11 Sub Chapter V proceeding, and that no work was excessive or detrimental to the Bankruptcy Estate.

8. Applicant further requests that the Court, pursuant to 11 U.S.C. §, 330 and 331 approve the allowance of fees and expenses as ought in this Third Interim Fee Application and authorize the Debtor, as debtor in possession, to pay the balance of such fees and expenses as approved by the Court to the Applicant within ten days of the Court's order or such other date as the Court designates.

WHEREFORE, Applicant prays that the Court, pursuant to 11 U.S.C. § 330 and 331, enter an Order approving the Third Interim Application for Fee and Expenses of the Applicant, and award compensation for services rendered and expenses in the total amount of \$1619.90 for the period covered in the Third Interim Application, and direct the Debtor, as debtor-in-possession, to pay the balance of such fees and expenses to the Applicant from Debtor account within ten days of the Court's order or such other date as the Court designates, and for any and all other relief deemed just and equitable in the premises.

Dated: February 9, 2024

Signed: Thomas J. Kapusta

Thomas J. Kapusta, Sub Chapter V Trustee
TK Enterprises, LLC
PO Box 90624
Sioux Falls, SD 57109
Phone: 605-376-6715
Email: tkapusta@aol.com

Thomas J Kapusta

TK Enterprises, LLC

Subchapter V Trustee

PO Box 90624

Sioux Falls, SD 57109

Bill To: Drain Services, Inc/o Attorney Maurice VerStandig The Dakota
Bankruptcy Firm

Address: The Dakota Bankruptcy Firm, 1630 1st Avenue N. Suite B PMB 24,

Phone: 605-376-6715

tkapusta@aol.com

Phone: 701-394-3215

Email: mac@mbvesq.com

EXHIBIT A

Invoice Date: February 9, 2024

Case Name: Drain Services, Inc.

Invoice 120

Case #: 23-30352

| Date | Services | Time Spent | Fee Total |
|-----------|---|---------------------------------|-------------------|
| 1/23/2024 | Review latest bank ledger | .1 hr | \$27.50 |
| 1/24/2024 | Review documents for entries 117-122 | .3 hr | \$82.50 |
| 1/25/2024 | Review MOR entry 123 | .1 hr | \$27.50 |
| 1/25/2024 | Review debtor's response to objections filed against plan #124 | .2 hr | \$55.00 |
| 1/25/2024 | Review USTO motion to appear by video #125 | .1 hr | \$27.50 |
| 1/25/2024 | Prepare and file motion to appear by video conference | .2 hr | \$55.00 |
| 1/25/2024 | Receive and review John Schroeder email | .1 hr | \$27.50 |
| 1/26/2024 | Review docket entry documents 126-133 | .5 hr | \$137.50 |
| 1/27/2024 | Review bank ledger forwarded by debtor counsel | .1 hr | \$27.50 |
| 1/27/2024 | Receive and review email from Attorney John Schroeder | .1 hr | \$27.50 |
| 1/27/2024 | Review multipole documents for entries 134-136 | .2 hr | \$55.00 |
| 1/29/2024 | Review email received from debtor ccounsel and review entry 137 | .1 hr | \$27.50 |
| 1/29/2024 | Attend and participate in confirmation hearing | 2.7 hr | \$742.50 |
| 1/31/2024 | Review docket entries 139-141 and 143-144 | .2 hr | \$55.00 |
| 1/31/2024 | Review 2nd amended confirmed plan entry 142 | .5 hr | \$137.50 |
| 2/2/2024 | Prepare and send monthly trustee report to USTO | .1 hr | \$27.50 |
| | | Subtotal Service | \$1,540.00 |
| | | Service/mailing expenses | \$79.90 |
| | | TOTAL | \$1,619.90 |

DUE UPON RECEIPT.

Make all checks payable to Thomas J Kapusta.

TRUSTEE SIGNATURE: ss/Thomas J. Kapusta

Date: February 9, 2024

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

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**NOTICE OF THIRD INTERIM APPLICATION OF THOMAS J. KAPUSTA
FOR SUBCHAPTER V TRUSTEE FEES AND EXPENSES**

Thomas J. Kapusta, Subchapter V Trustee, has filed an application to be paid from the bankruptcy estate \$1540.00 for compensation for fees and \$79.90 for reimbursement of expenses, for a total of \$1619.90 in fees and expenses. Your rights may be affected. You should read the application and this notice carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to approve the application, you or your attorney have twenty-one (21) days to file with the Bankruptcy Clerk, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. The response should also include your daytime telephone number or, if your attorney files the response, your attorney's telephone number. Only an attorney may file a response on behalf of a corporation, a partnership, or another formal legal entity.

If you are an attorney, you must file any response electronically. See additional information regarding electronic filing (CM/ECF) on the Court's website at www.ndb.uscourts.gov. If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is 655 1st Avenue North, Suite 210, Fargo, North Dakota 58102-4932. The response must be mailed early enough to ensure the Bankruptcy Clerk receives it on or before the deadline stated above.

If you or your attorney files a response, you or your attorney must also mail a copy of the response to parties in interest who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties-in-interest listed in by contacting the Bankruptcy Clerk's office at (701) 297-7100.

A hearing on the application may be set by separate order if a response is filed on or before the deadline stated above. If you or your attorney files a response to the application on or before the deadline stated above, the Court will call you or your attorney at the scheduled hearing time using the telephone number provided in the response. If an evidentiary hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing. Only an attorney may

represent a corporation, a partnership, or another formal legal entity at a hearing.

If no one files a response on or before the deadline stated above, the Court may enter an order granting the application without a hearing.

Dated: February 9, 2024

Signed: s/Thomas J. Kapusta 

Thomas J. Kapusta
TK Enterprises, LLC
PO Box 90624
Sioux Falls, SD 57109
Phone: 605-376-6715
email: tkapusta@aol.com
Sub Chapter V Trustee